

AMENDED IN SENATE JUNE 10, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 748

Introduced by Assembly Member Gilmore

February 26, 2009

~~An act to amend Section 11055 of the Health and Safety Code, relating to controlled substances. An act to add Section 64.5 to the Military and Veterans Code, relating to veterans.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 748, as amended, Gilmore. ~~Controlled substances: 3,4-Methylenedioxymethamphetamine. Department of Veterans Affairs: consolidation of services to veterans.~~

Existing law establishes the Department of Veterans Affairs within state government and sets forth its powers and duties, including, but not limited to, administration of veterans benefits programs. Existing law establishes the California Veterans Board within the department and sets forth its powers and duties, including, but not limited to, its power to determine operational policy for the department.

This bill would establish the California Veterans Services and Workforce Development Division within the Department of Veterans Affairs for the purpose of coordinating and administering veterans assistance programs in the state, and would require the division to perform various functions and duties relating to the coordination and administration of veterans assistance programs, as specified. The bill would require the administrative and support staff responsible for the administration of the specified programs to be transferred from the Employment Development Department to the division, and would require

the costs of the transfer to utilize existing resources of the Department of Veterans Affairs.

~~Existing law classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I, including prohibiting the prescribing of any Schedule I controlled substance and permitting the prescription of any Schedule II controlled substance only pursuant to a written prescription containing certain information, as specified. The drug 3,4-Methylenedioxymethamphetamine, also known as MDMA, Ecstasy, XTC, E, X, Beans, or Adams, is a synthetic drug possessing stimulant and hallucinogenic properties that is not classified within any of the schedules under the state controlled substances law, but is classified as a Schedule I drug under the federal controlled substances law.~~

~~This bill would classify the drug 3,4-Methylenedioxymethamphetamine within Schedule II of the state controlled substances law. By expanding the scope of existing Schedule II crimes to also apply to this drug, this bill would impose a state-mandated local program upon local governments.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes-no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature hereby finds and declares the*
- 2 *following:*
- 3 (a) *California has the largest veteran population in the nation,*
- 4 *comprised of an estimated 2 million veterans. Each month,*
- 5 *thousands of military personnel are released from active service*
- 6 *and face tremendous challenges transitioning back into civilian*
- 7 *life.*
- 8 (b) *The challenges military veterans face are compounded by*
- 9 *a complex system of veteran assistance programs that is difficult*
- 10 *to navigate.*
- 11 (c) *The United States Department of Veterans Affairs expended*
- 12 *approximately \$6 billion in California in the 2005 federal fiscal*

1 year. Of that amount, \$2.66 dollars was in disability payments
2 (compensation and benefits) to veterans. The states that have the
3 largest veteran populations in the nation are California, Florida,
4 and Texas. Texas veterans have collected 44 percent more
5 disability benefits than the amount collected by California veterans.

6 (d) Increasing disability benefit participation in California in
7 an amount that would approach the national average could
8 generate an additional \$330 million in annual payments to
9 California veterans.

10 (e) It is the intent of the Legislature in enacting this act to
11 consolidate the veterans assistance programs and their dedicated
12 staff as identified in Section 64.5 of the Military and Veterans
13 Code, as added by this act, within the California Veterans Services
14 and Workforce Development Division of the Department of
15 Veterans Affairs.

16 SEC. 2. Section 64.5 is added to the Military and Veterans
17 Code, to read:

18 64.5. (a) The California Veterans Services and Workforce
19 Development Division is hereby established within the department
20 for the purpose of coordinating and administering veterans
21 assistance programs in the state. The Secretary of Veterans Affairs
22 shall have authority over the division.

23 (b) The division shall do all of the following:

24 (1) Coordinate with other state agencies that provide benefits
25 and assistance to veterans to ensure that information about
26 veterans assistance programs and benefits is made available to
27 all state agencies that serve veterans in the state.

28 (2) Administer the Transition Assistance Program (TAP) and
29 the Disabled Veterans' Outreach Program (DVOP), and oversee
30 the duties of Local Veterans' Employment Representatives (LVER)
31 as prescribed under the federal Jobs for Veterans State Grants
32 program, in cooperation with the Employment Development
33 Department (EDD). The division shall work with staff from the
34 EDD to develop a plan whereby responsibility for the
35 administration of TAP, DVOP, and LVER shall be transferred
36 from the EDD to the division. The development of the plan shall
37 be completed on or before April 1, 2011.

38 (3) Ensure that other state agencies and officials that are
39 involved in the implementation and administration of veterans
40 services programs are informed when any changes in existing

1 *programs are required, or new programs are established that*
2 *provide assistance and benefits to veterans, and require that those*
3 *agencies and officials report to the division when those changes*
4 *occur or new programs are established.*

5 *(4) Coordinate with staff from other state agencies, including,*
6 *but not limited to, the Labor and Workforce Development Agency,*
7 *the Employment Training Panel, the California Workforce*
8 *Investment Board, the State Department of Mental Health, the*
9 *Department of General Services, the State Department of Alcohol*
10 *and Drug Programs, and representatives of the University of*
11 *California, the California State University, and the California*
12 *Community Colleges with regard to the provision of veterans*
13 *services and benefits.*

14 *(c) (1) In complying with this section, all administrative and*
15 *support staff responsible for the administration of the DVOP, TAP,*
16 *and LVER shall be transferred from the EDD to the division.*

17 *(2) Any costs associated with the implementation of these*
18 *transfers shall utilize existing resources of the Department of*
19 *Veterans Affairs, as the operational cost of these programs utilizes*
20 *funding from the Jobs for Veterans State Grant program, as*
21 *prescribed within the United States Department of Labor.*

22 ~~SECTION 1. Section 11055 of the Health and Safety Code is~~
23 ~~amended to read:~~

24 ~~11055. (a) The controlled substances listed in this section are~~
25 ~~included in Schedule II.~~

26 ~~(b) Any of the following substances, except those narcotic drugs~~
27 ~~listed in other schedules, whether produced directly or indirectly~~
28 ~~by extraction from substances of vegetable origin, or independently~~
29 ~~by means of chemical synthesis, or by combination of extraction~~
30 ~~and chemical synthesis:~~

31 ~~(1) Opium, opiate, and any salt, compound, derivative, or~~
32 ~~preparation of opium or opiate, with the exception of naloxone~~
33 ~~hydrochloride — (N-allyl-14-hydroxy-nordihydromorphinone~~
34 ~~hydrochloride), but including the following:~~

35 ~~(A) Raw opium.~~

36 ~~(B) Opium extracts.~~

37 ~~(C) Opium fluid extracts.~~

38 ~~(D) Powdered opium.~~

39 ~~(E) Granulated opium.~~

40 ~~(F) Tincture of opium.~~

- 1 ~~(G) Apomorphine.~~
- 2 ~~(H) Codeine.~~
- 3 ~~(I) Ethylmorphine.~~
- 4 ~~(J) Hydrocodone.~~
- 5 ~~(K) Hydromorphone.~~
- 6 ~~(L) Metopon.~~
- 7 ~~(M) Morphine.~~
- 8 ~~(N) Oxycodone.~~
- 9 ~~(O) Oxymorphone.~~
- 10 ~~(P) Thebaine.~~
- 11 ~~(2) Any salt, compound, isomer, or derivative, whether natural~~
- 12 ~~or synthetic, of the substances referred to in paragraph (1), but not~~
- 13 ~~including the isoquinoline alkaloids of opium.~~
- 14 ~~(3) Opium poppy and poppy straw.~~
- 15 ~~(4) Coca leaves and any salt, compound, derivative, or~~
- 16 ~~preparation of coca leaves, but not including decocainized coca~~
- 17 ~~leaves or extractions which do not contain cocaine or ecgonine.~~
- 18 ~~(5) Concentrate of poppy straw (the crude extract of poppy straw~~
- 19 ~~in either liquid, solid, or powder form which contains the~~
- 20 ~~phenanthrene alkaloids of the opium poppy).~~
- 21 ~~(6) Cocaine, except as specified in Section 11054.~~
- 22 ~~(7) Ecgonine, whether natural or synthetic, or any salt, isomer,~~
- 23 ~~derivative, or preparation thereof.~~
- 24 ~~(e) Opiates. Unless specifically excepted or unless in another~~
- 25 ~~schedule, any of the following opiates, including its isomers, esters,~~
- 26 ~~ethers, salts, and salts of isomers, esters, and ethers whenever the~~
- 27 ~~existence of those isomers, esters, ethers, and salts is possible~~
- 28 ~~within the specific chemical designation, dextrorphan and~~
- 29 ~~levopropoxyphene excepted:~~
- 30 ~~(1) Alfentanyl.~~
- 31 ~~(2) Alphaprodine.~~
- 32 ~~(3) Anileridine.~~
- 33 ~~(4) Bezitramide.~~
- 34 ~~(5) Bulk dextropropoxyphene (nondosage forms).~~
- 35 ~~(6) Dihydrocodeine.~~
- 36 ~~(7) Diphenoxylate.~~
- 37 ~~(8) Fentanyl.~~
- 38 ~~(9) Isomethadone.~~
- 39 ~~(10) Levoalphacetylmethadol, —also— known —as—~~
- 40 ~~levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM. This~~

1 substance is authorized for the treatment of narcotic addicts under
2 federal law (see Part 291 (commencing with Section 291.501) and
3 Part 1308 (commencing with Section 1308.01) of Title 21 of the
4 Code of Federal Regulations):
5 (11) Levomethorphan.
6 (12) Levorphanol.
7 (13) Metazocine.
8 (14) Methadone.
9 (15) Methadone-Intermediate, — 4-cyano-2-dimethylamino-4,
10 4-diphenyl butane.
11 (16) Moramide-Intermediate, — 2-methyl-3-morpholino-1,
12 1-diphenylpropane-carboxylic acid.
13 (17) Pethidine (meperidine).
14 (18) Pethidine-Intermediate-A, —
15 4-cyano-1-methyl-4-phenylpiperidine.
16 (19) Pethidine-Intermediate-B, —
17 ethyl-4-phenylpiperidine-4-carboxylate.
18 (20) Pethidine-Intermediate-C, —
19 1-methyl-4-phenylpiperidine-4-carboxylic acid.
20 (21) Phenazocine.
21 (22) Piminodine.
22 (23) Racemethorphan.
23 (24) Racemorphan.
24 (25) Sufentanyl.
25 (d) Stimulants. Unless specifically excepted or unless listed in
26 another schedule, any material, compound, mixture, or preparation
27 which contains any quantity of the following substances having a
28 stimulant effect on the central nervous system:
29 (1) Amphetamine, its salts, optical isomers, and salts of its
30 optical isomers.
31 (2) Methamphetamine, its salts, isomers, and salts of its isomers.
32 (3) Dimethylamphetamine (N,N-dimethylamphetamine), its
33 salts, isomers, and salts of its isomers.
34 (4) N-Ethylmethamphetamine (N-ethyl, N-methylamphetamine),
35 its salts, isomers, and salts of its isomers.
36 (5) Phenmetrazine and its salts.
37 (6) Methylphenidate.
38 (7) Khat, which includes all parts of the plant classified
39 botanically as *Catha Edulis*, whether growing or not, the seeds
40 thereof, any extract from any part of the plant, and every

1 compound, manufacture, salt, derivative, mixture, or preparation
2 of the plant, its seeds, or extracts.

3 (8) ~~Cathinone (also known as alpha-aminopropiophenone,~~
4 ~~2-aminopropiophenone, and norephedrone).~~

5 (9) ~~3,4-Methylenedioxymethamphetamine.~~

6 (e) ~~Depressants. Unless specifically excepted or unless listed~~
7 ~~in another schedule, any material, compound, mixture, or~~
8 ~~preparation which contains any quantity of the following substances~~
9 ~~having a depressant effect on the central nervous system, including~~
10 ~~its salts, isomers, and salts of isomers whenever the existence of~~
11 ~~those salts, isomers, and salts of isomers is possible within the~~
12 ~~specific chemical designation:~~

13 (1) ~~Amobarbital.~~

14 (2) ~~Pentobarbital.~~

15 (3) ~~Phencyclidines, including the following:~~

16 (A) ~~1-(1-phenylecyclohexyl) piperidine (PCP).~~

17 (B) ~~1-(1-phenylecyclohexyl) morpholine (PCM).~~

18 (C) ~~Any analog of phencyclidine which is added by the Attorney~~
19 ~~General by regulation pursuant to this paragraph.~~

20 The Attorney General, or his or her designee, may, by rule or
21 regulation, add additional analogs of phencyclidine to those
22 enumerated in this paragraph after notice, posting, and hearing
23 pursuant to Chapter 3.5 (commencing with Section 11340) of Part
24 1 of Division 3 of Title 2 of the Government Code. The Attorney
25 General shall, in the calendar year of the regular session of the
26 Legislature in which the rule or regulation is adopted, submit a
27 draft of a proposed bill to each house of the Legislature which
28 would incorporate the analogs into this code. No rule or regulation
29 shall remain in effect beyond January 1 after the calendar year of
30 the regular session in which the draft of the proposed bill is
31 submitted to each house. However, if the draft of the proposed bill
32 is submitted during a recess of the Legislature exceeding 45
33 calendar days, the rule or regulation shall be effective until January
34 1 after the next calendar year.

35 (4) ~~Secobarbital.~~

36 (5) ~~Glutethimide.~~

37 (f) ~~Immediate precursors. Unless specifically excepted or unless~~
38 ~~listed in another schedule, any material, compound, mixture, or~~
39 ~~preparation which contains any quantity of the following~~
40 ~~substances:~~

1 ~~(1) Immediate precursor to amphetamine and methamphetamine:~~
2 ~~(A) Phenylacetone. Some trade or other names: phenyl-2~~
3 ~~propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.~~
4 ~~(2) Immediate precursors to phenethylidine (PCP):~~
5 ~~(A) 1-phenylethylamine.~~
6 ~~(B) 1-piperidinocyclohexane carbonitrile (PCC).~~
7 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
8 ~~Section 6 of Article XIII B of the California Constitution because~~
9 ~~the only costs that may be incurred by a local agency or school~~
10 ~~district will be incurred because this act creates a new crime or~~
11 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
12 ~~for a crime or infraction, within the meaning of Section 17556 of~~
13 ~~the Government Code, or changes the definition of a crime within~~
14 ~~the meaning of Section 6 of Article XIII B of the California~~
15 ~~Constitution.~~